

REMARKS/ARGUMENTS

Claims 1-29 are pending in this Application.

Claim 23 is currently amended. Claim 15 has been canceled. Applicants submit that support for the claim amendments can be found throughout the specification and the drawings.

Claims 1-14 and 16-29 remain pending in the Application after entry of this Amendment. No new matter has been entered.

In the Office Action, claim 15 stands rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Claims 23-29 stand rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite.

Applicants wish to thank the Examiner for an indication of allowable subject matter in the Application. Applicants respectfully submit that the remaining pending claims are in condition for allowance.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

Applicants respectfully traverse the rejections to claims 23-29 and request reconsideration and withdrawal of the rejections under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. The Office Action alleges that while the preamble is directed to an apparatus for repairing a memory, there is not any means or device for repairing the memory in the body of the claim.

Applicants respectfully submit that the self-test circuitry recited in claim 23 is a device (e.g., a multiplexer, fault detection circuitry, and count compare circuitry) for repairing a memory as recited in the preamble as the memory may be surrounded by self-test logic to facility testing as part of the repair process. (Application: Page 6, lines 19-20). However, Applicants have amended claim 23 to recite “an apparatus for testing a memory.” Accordingly, Applicants respectfully submit that amended claim 23 includes the means or device for testing a memory. For example, claim 23 recites self-test circuitry that includes a multiplexer, fault detection circuitry, and count compare circuitry.

Claim Rejections Under 35 U.S.C. § 101

Applicants have canceled claim 15 in order to expedite allowance of the Application. However, Applicants respectfully traverse the rejections to claim 15 and request reconsideration and withdrawal of the rejections under 35 U.S.C. § 101. The Office Action alleges that the specification fails to provide antecedent support for the term “medium.” The Office Action further alleges that it is unclear whether the computer-readable medium is a disk storage medium or a carrier wave. Applicants respectfully disagree.

“[T]he ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention, i.e., as of the effective filing date of the patent application.” Phillips v. AWH Corp., 415 F.3d 1303, 1313, 75 USPQ2d 1321, 1326 (Fed. Cir. 2005) (en banc). In Brookhill-Wilk 1, LLC v. Intuitive Surgical, Inc., 334 F.3d 1294, 1298 67 USPQ2d 1132, 1136 (Fed. Cir. 2003), the court said “[i]n the absence of an express intent to impart a novel meaning to the claim terms, the words are presumed to take on the ordinary and customary meanings attributed to them by those of ordinary skill in the art.”).

The specification does not impart a novel meaning to the claim term of “medium” but provides support for the meaning that the term would have to a person of ordinary skill in the art. For example, the specification discusses that integrated circuit memories may be the densest forms of semiconductive structures. (Applications: Page 1, line 9-10). Other examples include memory chips (e.g., SRAM or DRAM on page 6, redundant memories, and memory elements embedded on logic, SOC, and processor chips.

Moreover, the claim language recites a “tangible computer readable medium.” Applicants respectfully submit that one of ordinary skill in the art cannot be confused as to whether the claim term relates to a non-tangible carrier wave, as a tangible medium is recited. Furthermore, one of ordinary skill in the art would understand the claim term to cover volatile and non-volatile storage medium (e.g., SRAM/DRAM) in addition to the disk storage alleged by the Office Action.

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Amdt. dated August 8, 2008
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 2117

PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,

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